IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
	)	**For: ESTIMATION OF TRAFFIC-TO-PILOT RATIOS**
Leonid Razoumov	)	
	)	
Serial No.: 10/719,806	)	
	)	
Examiner: Leila Malek	)	
	)	
Filed: November 21, 2003	)	**Group No. 2611**

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

The following amendments and remarks are filed in response to the Examiner's remarks in the Office Action mailed March 8, 2007, the three-month shortened statutory period for response to which expires on June 8, 2007. Applicants hereby petition a one (1) month Extension of Time.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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(type or print name)

Date: July 6, 2007

Signature: Deborah Dockett

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Signature: _____

REQUEST FOR EXTENSION OF TIME

A Petition for Extension of Time and the appropriate fee are filed herewith to extend the response period from June 8, 2007 to July 8, 2007.

Amendments to the Claims:

Claims 1-7 were pending. Claim 1 has been amended herein. Applicants have added new claims 8-18. Please note that all claims currently pending and under consideration in the referenced application are shown below. Please enter these claims as amended and added. This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently Amended) A method for improving the performance of a decoder, comprising:

determining an energy value for a transmission from a first station to a second station, the decoder residing in the second station;

forming a message carrying the energy value; and

transmitting the message to the second station, wherein the energy value aids the decoder to decode the transmission.

2. (Original) The method of Claim 1, wherein the step of transmitting the message comprises positioning the message in a preamble.

3. (Original) The method of Claim 1, wherein the step of transmitting the message comprises positioning the message in a subpacket.

4. (Original) The method of Claim 1, wherein the step of transmitting the message comprises positioning the message between a preamble and a subpacket.

5. (Original) The method Claim 1, wherein the step of forming a message carrying the energy value comprises:

locating the energy value in look-up table; and

including an index value corresponding to the energy value in the message.

6. (Original) The method of Claim 1, wherein the first station is a base station and the second station is a remote station.

7. (Original) The method of Claim 1 wherein the first station is a remote station and the second station is a base station.

8. (New) An apparatus for improving the performance of a decoder, comprising:

means for determining an energy value for a transmission from a first station to a second station, the decoder residing in the second station;

means for forming a message carrying the energy value; and

means for transmitting the message to the second station, wherein the energy value aids the decoder to decode the transmission.

9. (New) A computer-readable media including computer-readable instructions thereon for performing the steps of:

determining an energy value for a transmission from a first station to a second station, a decoder residing in the second station;

forming a message carrying the energy value; and

transmitting the message to the second station, wherein the energy value aids the decoder to decode the transmission.

10. (New) An apparatus for improving the performance of a decoder, comprising:

a transmission power control unit for determining an energy value for a transmission from a first station to a second station, the decoder residing in the second station; and

a channel element coupled to the transmission power control unit for forming a message carrying the energy value and for transmitting the message to the second station, wherein the energy value aids the decoder to decode the transmission.

11. (New) The apparatus of Claim 10, wherein the transmitting the message comprises positioning the message in a preamble.

12. (New) The apparatus of Claim 10, wherein the transmitting the message comprises positioning the message in a subpacket.

13. (New) The apparatus of Claim 10, wherein the transmitting the message comprises positioning the message between a preamble and a subpacket.

14. (New) The apparatus Claim 10, wherein the forming a message carrying the energy value comprises:

locating the energy value in look-up table; and

including an index value corresponding to the energy value in the message.

15. (New) The apparatus of Claim 10, wherein the first station is a base station and the second station is a remote station.

16. (New) The apparatus of Claim 10 wherein the first station is a remote station and the second station is a base station.

17. (New) A base station for improving the performance of a decoder, comprising:

a transmission power control unit for determining an energy value for a transmission to a remote station, the decoder residing in the remote station;

a channel element coupled to the transmission power control unit for forming a message carrying the energy value, wherein the energy value aids the decoder to decode the transmission; and

a transmitter adapted to transmit the message in a forward link channel to the remote station.

18. (New) A remote station for improving the performance of a decoder, comprising:

a transmission power control unit for determining an energy value for a transmission to a base station, the decoder residing in the base station;

a channel element coupled to the transmission power control unit for forming a message carrying the energy value, wherein the energy value aids the decoder to decode the transmission; and

a transmitter adapted to transmit the message in a reverse link channel to the base station.

REMARKS

The Office Action mailed March 8, 2007, has been received and reviewed. Claims 1-7 were pending in the present application. Applicants have added new claims 8-18. Applicants respectfully respond to this Office Action and traverse all rejections. Applicants have amended claim 1.

35 U.S.C. § 112 Second Paragraph Rejections

Claim 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states:

> As to claim 1, Applicant in the preamble of the claim states "A method for improving the performance of a decoder", however in the body of the claim there is no explanation of how the recited steps will improve the performance of the decoder. (Office Action, p. 2).

Applicants have amended independent claim 1 to specifically recite "the energy value aids the decoder to decode the transmission". Support for this amendment can be found, for example, on page 10, paragraph [0039] and page 11, paragraph [0040] of the patent application. Accordingly, Applicants respectfully request the rejections of claims 1-7 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1 and 5-7 were rejected as being unpatentable over U.S. Patent 6,757,537 to Choi et al (hereinafter "the Choi reference"). This rejection is respectfully traversed as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 1 and 5-7 are improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Regarding independent claim 1 and claims 5-7 depending therefrom, Applicants have amended independent claim 1 to include claim limitations not taught or suggested in the cited references.

Applicants' independent claim 1, as presently amended, recites:

> 1. A method for improving the performance of a decoder, comprising:
> determining an energy value for a transmission from a first station to a second station, the decoder residing in the second station;
> forming a message carrying the energy value; and
> transmitting the message to the second station, wherein ***the energy value aids the decoder to decode the transmission***. (Emphasis added.)

Applicants respectfully assert that the Choi reference does not teach or suggest Applicants' invention as presently claimed in amended independent claim 1.

The Office Action alleges:

> As to claim 1, Choi discloses ... determining an energy value (i.e., ***power control parameter has been interpreted as energy value***) (see the abstract, column 2, lines 41-52) .... (Office Action, p. 3; emphasis added).

Generally, the Choi reference teaches or suggests a "power control parameter" used to perform outer loop power control and not Applicants' invention including the claimed element of "***the energy value aids the decoder to decode the transmission***". (Choi, abstract). The Choi reference specifically teaches or suggests:

> ... a different power control parameter value is assigned according to whether the call occurs between mobile stations or between a mobile station and a wire telephone .... (Choi, col. 5, lines 52-55).
> ... the base station determines the call type and provides a power control parameter corresponding to the determined call type .... (Choi, col. 5, lines 60-62).
> ... the mobile station then performs outer loop power control using the power control parameter provided by the base station. (Choi, col. 5, lines 63-65).

Clearly the Choi reference's "power control parameter" is used by the mobile station for performing "outer loop power control," however, the Choi reference does not teach or suggest "***the energy value aids the decoder to decode the transmission***" as claimed by Applicants. Therefore, since the Choi reference does not teach or suggest Applicants' claimed invention including "***the energy value aids the decoder to decode the transmission***", the Choi reference cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in amended independent claim 1. Accordingly, Applicants respectfully request the rejection of presently amended independent claim 1 be withdrawn.

The nonobviousness of independent claim 1 precludes a rejection of claims 5-7 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 1 and claims 5-7 which depend therefrom.

Claims 3 and 4 were rejected as being unpatentable over the Choi reference in view of U.S. Patent 6,389,034 to Guo et al (hereinafter "the Guo reference"). Applicants respectfully traverse these rejections, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claims 3 and 4 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 1 and claims 3 and 4 which depend therefrom.

Claim 2 was rejected as being unpatentable over the Choi reference in view of U.S. Patent 6,574,267 to Kanterakis et al (hereinafter "the Kanterakis reference"). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claim 2 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also*

MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 1 and claim 2 which depends therefrom.

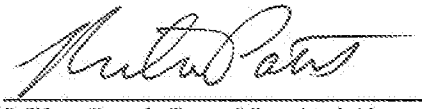
CONCLUSION

Claims 1-18 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 6, 2007

By: 

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